

REMARKS

Reconsideration of this application, based on these following remarks, is respectfully requested.

Claims 1 through 4, 6 through 13, and 15 through 19 are now in this case. No amendment is presented in this paper.

Claims 1 through 4, 6 through 13, and 15 through 19 were finally rejected under §103 as unpatentable over the Rabowsky reference¹ in view of the Merces et al. reference². This rejection maintains the reasons for rejection previously presented.³ In short, the Examiner asserts that the Rabowsky reference teaches all of the elements of the independent claims, except that it fails to disclose that its automation and scheduling system can control at least one facility element within the selected location at the selected time. The Examiner finds that the Merces et al. reference provides such teachings, relative to its discussion of the control of auditorium lights and curtains, and that the skilled reader would have been motivated to combine these teachings to reduce the amount of interaction by the operator, and thus improve efficiency.⁴

Regarding claim 1 and its dependent claims, Applicant maintains his previously-stated position⁵ that the rejection is in error because the combined teachings of the applied references fall short of the requirements of the claim. Specifically, Applicant submits that neither reference discloses a server that is operable to match feature restrictions with the attributes of the data presentation units (*e.g.*, projectors) in selecting a location for the feature to be presented, as claimed, and that suggestion to modify these references to provide that claim limitation is not present in the prior art.

¹ U.S. Patent No. 6,141,530, issued October 31, 2000 to Rabowsky.

² U.S. Patent No. 6,384,893, issued May 7, 2002 to Merces et al.

³ Office Action of December 12, 2005.

⁴ Office Action of December 12, 2005, page 4.

⁵ See Amendment of May 12, 2006.

As previously argued, claim 1 in this application requires, *inter alia*, a plurality of data presentation units coupled to the data library, each disposed at a corresponding one of a plurality of locations, and each operable to present at least one of the plurality of features according to attributes of the data presentation unit related to such presentation. Accordingly, the “attributes” that the data presentation units present are related to the presentation of data by the corresponding data presentation unit. Examples of these attributes include the type of video display, the type of audio output, and decompression functionality.⁶ The system of claim 1 also requires a server that is operable to determine restrictions applicable to the selected feature, the restrictions comprising restrictions indicative of data presentation unit attributes useful for the presentation of the selected feature.

The Examiner asserts that the Rabowsky reference teaches certain parameters that correspond to the attributes presented by the data presentation units of the claims.⁷ The passage of the Rabowsky reference cited by the Examiner as teaching these attributes reads:

In theaters, the screen is the display for the cinema. The size, aspect ratio, and the reflectivity of the screen must conform with the projector output characteristics to provide an acceptable theater presentation. Screen specification standards are established to provide assurance of reasonable quality control.⁸

In order for these attributes of the secure projector systems to correspond to the attributes of claim 1, the restrictions determined by the server of the Rabowsky reference must include restrictions indicative of these attributes. In other words, these disclosed “attributes” of the secure projector systems of the reference must be reflected in the restrictions determined by the server of the reference, based upon which the server selects one of a plurality of locations to present the feature. However, these alleged “attributes” of the Rabowsky reference are not disclosed as communicated or presented by its secure projector systems in any way. Rather, this cited passage merely states that the projector and screen must conform to one another, and that standards for the specifications of the screen have been established to accomplish that. Nowhere

⁶ Specification of S.N. 09/731,415, paragraph [0048] (*referring to* U.S. Patent Application Publication No. US 2002/0069107 A1).

⁷ Office Action of August 9, 2006, pages 2 and 3, *citing* Rabowsky, *supra*, column 11, lines 54 through 60.

⁸ Rabowsky, *supra*, column 11, lines 54 through 60.

does the reference disclose that these “attributes” (e.g., “size, aspect ratio, and the reflectivity of the screen”) are presented by the projector system to any other element. Rather, these “attributes” appear to be given parameters for the particular installation – indeed, these “attributes” are disclosed as following a standard.

The absence of any teaching in the Rabowsky reference that the asserted “attributes” are used to determine restrictions on the feature is also evident from the manner in which the reference teaches selection of a location at which to present a feature. The Examiner asserts that the claim limitation regarding the determining of restrictions by the server derives from the Rabowsky statement that “the cinema file requires that the projector system has proper authorization in order to present the cinema file”, citing this passage:⁹

Within the bit stream provided by the Headend to a specific theater is a playback schedule. This schedule defines the authorized playback times for each cinema file and for each screen in the theater. The automation/scheduling system schedules these playbacks, and provides the necessary machine control to automatically play the cinemas at the scheduled times. It includes the scheduling and playout of all trailers.

A theater operator interface provides the operator with the ability to modify the schedule, such as changing play times, and which screens are showing which cinemas. Such changes require notification of the headend. Changes which do not violate contractual terms are automatic, requiring only a change in the distribution records. Changes which modify the terms of an existing contract between Exhibitor, Distributor, and Service Provider are verified and authorized by the DMS once accepted by the parties to the contract. This interface also may provide a facility for allowing theater operators to insert locally-generated materials such as advertisements for local businesses.¹⁰

Accordingly, the “restrictions” that are used by the Rabowsky system to allegedly select a projector location include a predetermined playback schedule in the bitstream, but has nothing to do with the attributes of a particular projector system. Indeed, the reference discloses that these restrictions are primarily contractual in nature. As such, not only can these restrictions not be

⁹ Office Action, *supra*, page 3.

¹⁰ Rabowsky, *supra*, column 12, lines 8 through 28.

determined by the server, as required by the claim, but some changes in the schedule may be changed only after additional contract negotiation!

Applicant therefore respectfully submits that the Rabowsky reference fails to disclose data presentation units that are operable to present attributes of the data presentation unit related to presentation, as required by claim 1. Applicant also respectfully submits that the reference also fails to disclose a server that is operable to determine restrictions that are applicable to a feature and that comprise restrictions indicative of data presentation unit attributes, because such data presentation unit attributes are not taught by the reference. As previously argued, the Merces et al. reference lacks teachings in this regard. Therefore, Applicant submits that the combined teachings of the applied references fall short of the requirements of claim 1 and its dependent claims.

Applicant further respectfully submits that there is no suggestion from the prior art to modify these teachings in such a manner as to reach claim 1. Neither of the applied references mentions or suggests different attributes of presentation units at different locations within their systems, nor suggests that various features may have different restrictions regarding the presentation of those features on presentation equipment. In other words, neither reference even mentions the problem addressed by the invention of claim 1, much less suggest modifying the teachings of these references to reach the claim by providing a server that operates to select presentation locations by matching feature restrictions and presentation unit attributes, as performed by the system of claim 1 and its dependent claims.

For these reasons, Applicant submits that the final rejection of claim 1 and its dependent claims is in error, and respectfully traverses the rejection.

Similarly, the scheduler and controller of claim 8 and its dependent claims requires a scheduling and control process, resident on its server, that determines restrictions applicable to a selected feature that are indicative of data presentation unit attributes useful for the presentation of that feature, and that selects a location remote from the server having a data presentation unit

in which to present the selected feature based on a comparison of the restrictions applicable to the selected feature with attributes of the data presentation unit at the selected location.

For similar reasons as discussed above relative to claim 1, Applicant submits that the combined teachings of the Rabowsky and Merces et al. references fall short of the requirements of claim 8 and its dependent claims. As before, Applicant submits that the restrictions determined by the scheduling and control process of claim 8 must be indicative of data presentation unit attributes useful for the presentation of the feature, and that this process must select a location at which to present the feature based on a comparison of these restrictions with attributes of the data presentation unit at the selected location.

However, the “attributes” disclosed in the Rabowsky reference as asserted by the Examiner have nothing to do with the “restrictions” disclosed in the Rabowsky reference that are used to schedule the feature. As discussed above, the “attributes” alleged by the Examiner as meeting the attributes of the claim merely refer to certain parameters of the screen and projector that ought to conform to one another for good quality, preferably following an applicable standard for these parameters. On the other hand, the “restrictions” asserted by the Examiner have nothing to do with these cited “attributes”. Rather, the Rabowsky reference discloses that its scheduling of features is determined by a playback schedule in the bitstream from the Headend, as may be modified by agreement between the theater and the distributor.¹¹ There is no correspondence between these alleged attributes and these alleged restrictions, according to the Rabowsky reference. Nor does the Merces et al. reference add any teachings in this regard.

Furthermore, Applicant submits that there is no suggestion from the prior art to modify these teachings in such a manner as to reach the claims, considering that neither reference mentions or suggests that their systems may have presentation units with different attributes at different locations, nor that various features may have different restrictions regarding the presentation of those features on presentation equipment. Absent such disclosure, neither

¹¹ Rabowsky, *supra*, column 12, lines 8 through 28.

reference can possibly suggest modifying their combined teachings to reach claim 8 and its dependent claims.

For these reasons, Applicant submits that the final rejection of claim 8 and its dependent claims is in error. Applicant also submits that these claims are patentably distinct over the prior art of record in this case, and traverses the final rejection accordingly.

Independent method claim 15 similarly requires the step of determining restrictions applicable to a selected feature to be presented at one of a plurality of selected times, where the restrictions comprise restrictions indicative of data presentation attributes. The claim also requires the step of using a computer to select a location at which the feature is to be presented, based on a comparison of attributes of the data presentation unit at that location and the restrictions applicable to the selected feature. Because these limitations are not disclosed or suggested by either of the applied references, Applicant submits that the final rejection of claim 15 and its dependent claims is also in error, because the combined teachings of the applied references fall short of the requirements of the claims. .

Following the Examiner's assertion,¹² the "attributes" that are disclosed in the Rabowsky reference refer to certain parameters of the screen and projector that ought to conform to one another for good quality. However, these "attributes" have nothing to do with the "restrictions" disclosed in the Rabowsky reference that are used to schedule the feature, nor do the restrictions disclosed by the reference have anything to do with data presentation unit attributes. Instead, scheduling of features according to the Rabowsky reference follows a playback schedule that is included in the bitstream from the Headend, as may be modified following negotiation and agreement among the business parties.¹³ This scheduling information has nothing to do with the attributes of the projection system and screen. And the Merces et al. reference is also silent regarding the correspondence between "attributes" and "restrictions".

¹² Office Action, *supra*, pages 2 and 3.

¹³ Rabowsky, *supra*, column 12, lines 8 through 28.

Suggestion to modify these teachings so as to reach claim 15 and its dependent claims is also lacking in the prior art. Neither of the Rabowsky and Merces et al. references mentions or suggests that their systems may have presentation units with different attributes at different locations, nor that various features may have different restrictions regarding the presentation of those features on presentation equipment. These references, and the remainder of the prior art of record, therefore provide no suggestion or hint to modify these teachings in such a manner as to reach claim 15 and its dependent claims.

For these reasons, Applicant submits that the final rejection of claim 15 and its dependent claims is in error, and traverses the final rejection of these claims accordingly. Applicant also submits that these claims are patentably distinct over the prior art of record in this case, for the reasons set forth above.

For these reasons, Applicant respectfully submits that all claims now in this case are in condition for allowance. Reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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